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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

THE BOARD OF TRUSTEES OF THE  
CONSTRUCTION INDUSTRY AND  
LABORERS HEALTH AND WELFARE  
TRUST; THE BOARD OF TRUSTEES OF  
THE CONSTRUCTION INDUSTRY AND  
LABORERS JOINT PENSION TRUST; THE  
BOARD OF TRUSTEES OF THE  
CONSTRUCTION INDUSTRY AND  
LABORERS VACATION TRUST; THE  
BOARD OF TRUSTEES OF SOUTHERN  
NEVADA LABORERS LOCAL 872  
TRAINING TRUST,

Plaintiffs,

vs.

MOHAVE RESTORATION, INC. dba  
SERVICE MASTERS 1<sup>st</sup> RESPONSE, a  
foreign corporation; JEREMIAH L. COX, an  
individual,

Defendants.

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THE BOARD OF TRUSTEES OF THE  
CONSTRUCTION INDUSTRY AND  
LABORERS HEALTH AND WELFARE  
TRUST; et al.

Plaintiffs,

Case No.: 2:16-cv-01190-JAD-CWH

**STIPULATION AND ORDER TO  
WITHDRAW THIRD-PARTY  
PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT (ECF  
NO. 42) AND NOTICE OF  
SETTLEMENT**

1 vs.

2  
3 HANOVER INSURANCE COMPANY, a  
4 New Hampshire insurance company; NORTH  
5 AMERICAN SPECIALTY INSURANCE  
6 COMPANY, a New Hampshire insurance  
7 company; DOES 1 THROUGH 10, and ROE  
8 CORPORATIONS 1 THROUGH 10,  
9 inclusive,

10 Defendants.

11  
12 HANOVER INSURANCE COMPANY, a  
13 New Hampshire Insurance company;

14 Third Party Plaintiff,

15 vs.

16  
17 MOHAVE RESTORATION, INC. dba  
18 SERVICE MASTERS 1<sup>st</sup> RESPONSE, a  
19 foreign corporation; JEREMIAH L. COX, an  
20 individual,

21 Third Party Defendants.

22  
23 Third-Party Defendants, MOHAVE RESTORATION, INC. dba SERVICE  
24 MASTERS 1st RESPONSE, and JEREMIAH L. COX, and Third-Party Plaintiff,  
25 HANOVER INSURANCE COMPANY, by and through their respective undersigned  
26 counsel, hereby notify the Court that they have reached a resolution of all claims  
27 remaining between Third-Party Defendants and Third-Party Plaintiff in this matter and  
28 are in the process of formalizing the settlement.

Third-Party Defendants and Third-Party Plaintiff hereby stipulate and the  
parties hereby agree that Third-Party Plaintiff's Motion for Summary Judgment (ECF  
No. 42) be withdrawn without prejudice to refile if for any reason the settlement terms  
are not completed. The parties agree to file a stipulation for dismissal within forty (40)  
days.

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1 For the foregoing reasons, the Third-Party Plaintiff's Motion for Summary  
2 Judgment will be withdrawn without prejudice to refile.

3 Respectfully submitted this 9th day of March, 2018.

4 Dated: March 9, 2018

**FISHER & PHILLIPS LLP**

5 /s/ Allison L. Kheel, Esq.

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7 Nevada State Bar No. 6274

8 ALLISON L. KHEEL, ESQ.

9 Nevada State Bar No. 12986

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Attorneys for Defendants/Third-Party  
Defendants

11 Dated: March 9, 2018

**JENNINGS STROUSS & SALOMON**

12 /s/ Patrick F. Welch, Esq.

13 PATRICK F. WELCH, ESQ.

14 Nevada State Bar No. 13278

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Attorneys for Third-Party Plaintiff

17 **ORDER**

18 IT IS SO ORDERED. IT IS FURTHER ORDERED that the parties must file  
19 dismissal documents or a joint status report by April 23, 2018.

20   
U.S. DISTRICT MAGISTRATE JUDGE

21 Dated: March 12, 2018